

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

DECLAN PATRICK KELLY ET AL.

NL 021500

Confirmation No. 2403

Serial No. 10/540,706

Group Art Unit: 2439

Filed: JUNE 24, 2005

Examiner: LAFORGIA, C.A.

Title: USER ACCESS CONTROL TO A SERVER CONTENT FROM AN
INFORMATION CARRIER PLAYER

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Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellants herewith respectfully present a Brief on Appeal as follows, having filed a Notice of Appeal on June 24, 2009:

Patent
Serial No. 10/540,706
Appeal Brief in Reply to Final Office Action of March 24, 2009,
and Advisory Action of May 4, 2009

REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-3 and 5 are pending in this application, where claims 4 and 6-8 are canceled. Claims 1-3 and 5 are rejected in the Final Office Action mailed in March 24, 2009. This rejection was upheld, in the Advisory Action that was mailed on May 4, 2009. Claims 1-3 and 5 are the subject of this appeal.

STATUS OF AMENDMENTS

Appellants filed on April 30, 2009 an after final amendment in response to a Final Office Action mailed March 24, 2009. The after final amendment did not include any amendments. In an Advisory Action mailed on May 4, 2009, it is indicated that the after final amendment filed on April 30, 2009 does not place the application in condition for allowance. This Appeal Brief is in response to the Final Office Action mailed March 24, 2009, that finally rejected claims 1-3 and 5, which remain finally rejected in the Advisory Action mailed on May 4, 2009.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, for example, as recited in independent claim 1, shown in FIG 1 and described on page 4, line 11 to page 7, line 6 of the specification, is directed to a method of controlling, from an information carrier player 101, user access to information on an information carrier 105 loaded in the information carrier player 101, and to a server 103.

As described on page 4, line 11 to page 5, line 10 of the specification, the information carrier is associated with a preset parental control level (DVD_PCL), and the information carrier player is associated with a current parental control level selected from among a set of parental control levels. The method further comprising receiving the preset parental control level associated with the information carrier 105; comparing the current parental control level and the preset parental control level; and authorizing or not authorizing access to the information on the information carrier 105 in dependence on the comparing step.

As described on page 5, line 12 to page 6, line 19 of the

specification, the method further includes associating a list of server addresses with the parental control levels; and restricting the user access to the server addresses in the list having parental control level lower than or equal to said current parental control level.

The present invention, for example, as recited in independent claim 5, shown in FIG 1-2 and described on page 4, line 11 to page 7, line 6 of the specification, is directed to a method of controlling, from an information carrier player 101, user access to information on an information carrier 105 loaded on the information carrier player 101, and to a server 103. As described on page 4, line 11 to page 5, line 10 of the specification, the information carrier 105 is associated with a preset parental control level, and the information carrier player is associated with a current parental control level selected from among a set of parental control levels. The method further comprises receiving the preset parental control level associated with the information carrier 105; first comparing the current parental control level and the preset parental control level; and authorizing or not authorizing access

to the information on the information carrier 105 in dependence on the first comparing step.

As described on page 7, lines 10-22 of the specification, the method further comprises second comparing the current parental control level and the highest parental control level of the set of parental control levels; and authorizing or not authorizing any attempted access to said server in dependence on said second comparing step.

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-3 and 5 of U.S. Patent Application Serial No. 10/521,661 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,385,388 (Lewis) in view of U.S. Patent No. 7,305,624 to (Siegel).

ARGUMENT

Claims 1-3 and 5 are said to be unpatentable over Lewis in view of Siegel.

Appellants respectfully request the Board to address the patentability of independent claims 1 and 5, and further claims 2-3 as depending from claim 1, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 2-3 at a later date should the separately patentable subject matter of claims 2-3 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of claims 1 and 5 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Lewis discloses a digital video apparatus user interface, in which a disc player, in which a video disc has been inserted, is

instructed to play the content on the video disc. The disc player examines whether a parental control has been encoded in the video manager of the video disc, and if so, only allows appropriate playback of the disc when the user selected parental control rating equals or exceeds the parental rating encoded in the video manager.

However, as noted by the Examiner on page 4 of the Final Office Action, lines 3-5, item 145, "Lewis does not teach associating a list of server addresses with said parental control levels and restricting the user access to the server addresses in said list having parental control level lower than or equal to the current parental control level." Siegel is cited in an attempt to remedy the deficiencies in Lewis.

Siegel discloses a method for limiting Internet access, in which a computer owner or administrator is enabled to specify a "Navigational Boundary" with respect to a particular domain, and to subsequently allow browser navigation only within that boundary (see Abstract).

The Examiner now states on page 4, lines 6-7, item 15, "Siegel teaches using parental controls to limit access to questionable or

objectionable web sites and content (column 38, lines 23-57)."

Appellants submit that the Examiner is mistaken. In particular, the noted section of Siegel specifically recites:

Parental Controls

There are currently a number of techniques utilized for the purpose of limiting Internet access which, among other things, help provide a safe Internet experience for kids with respect to the World Wide Web. These techniques are typically referred to as "blocking" or "filtering." Some implementations include: restricting access to only approved sites (often referred to as "white lists"); allowing access to all but a set of excluded sites (often referred to as "black lists"); employing techniques that block web pages or sites based on content, such as words.

All these techniques have their drawbacks. The site exclusion technique has the drawback that inappropriate material may be viewed, quite simply because inappropriate sites are continuously being deployed, and all inappropriate sites are not on the exclusion list. The "approved sites approach" has the drawback that there is an exhaustive amount of material on the Web which is of interest or use to a child, but not contained within sites on the approved list. Filtering based on content, such as words, for example, has the drawback that it can block appropriate content, and miss inappropriate content.

Additionally, the "word filtering", and the "approved sites" approach have the drawback that an unnatural environment is created, where a user may be surfing, then suddenly, be denied access to a particular site and/or page, with seemingly no rhyme or reason. For example, when using an Internet Service Provider that provides parental controls via a

filtering mechanism, or using a filtering program in conjunction with a web browser, one can be surprised by a "Web Page Blocked" or similar notice, be redirected to a particular web page, or experience some other frustrating behavior.

Yahoogans! Is a well known and respected kids portal/search engine. Tables 10 and II present information regarding site selection with respect to Yahoogans:.

Appellants submit that a careful reading of the above section will show that Siegel is merely describing methods such as a "site exclusion" technique, an "approved sites approach" list, and filtering based on content (e.g., words). In particular, the site exclusion technique merely lists sites to which access is blocked; and the approved sites approach merely lists sites to which access is allowed.

The subject invention, as claimed in claim 1, includes "associating a list of server addresses with said parental control levels" and "restricting the user access to the server addresses in said list having parental control level lower than or equal to said current parental control level". The associating step is described in the specification on page 5, line 12 to page 6, line 12, and includes generating lists of server addresses associated with each

parental control level in the set of parental control levels of the information carrier player. Then in the restricting step, access is only allowed to server addresses in the list(s) having parental control levels lower than or equal to the current parental control level set for the information carrier player.

Appellants therefore submit that Lewis, Siegel, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1, which, amongst other patentable elements, requires (illustrative emphasis provided):

associating a list of server addresses with said parental control levels; and
restricting the user access to the server addresses in said list having parental control level lower than or equal to said current parental control level.

Associating a list of server addresses with parental control levels is nowhere disclosed or suggested in Lewis and Siegel, alone or in combination.

The same portion of Siegel, namely, column 38, lines 23-57 is also cited on page 6, line 3 to allegedly show the feature of independent claim 5. It is respectfully submitted that Lewis,

Siegel, and combination thereof, do teach or suggest the present invention as recited in independent claim 5 which, amongst other patentable elements, requires (illustrative emphasis provided):

first comparing said current parental control level and said preset parental control level; authorizing or not authorizing access to the information on said information carrier in dependence on said first comparing step;

second comparing said current parental control level and the highest parental control level of said set of parental control levels; and authorizing or not authorizing any attempted access to said server in dependence on said second comparing step.

Two comparisons, including first comparing a current parental control level with a preset parental control level associated with an information carrier, and also comparing the current parental control level and the highest parental control level of the set of parental control levels are nowhere disclosed or suggested in Lewis and Siegel, alone or in combination.

In view of the above, it is respectfully submitted that independent claims 1 and 5 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3 are also allowable at least based on their

dependence from independent claim 1.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-3 and 5 are patentable over Lewis and Siegel.

Thus, the Examiner's rejections of claims 1-3 and 5 should be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Previously Presented) A method of controlling, from an information carrier player, user access to information on an information carrier loaded in the information carrier player, and to a server, said information carrier being associated with a preset parental control level (DVD_PCL), and said information carrier player being associated with a current parental control level selected from among a set of parental control levels, said method of controlling comprising the steps of:

receiving the preset parental control level associated with said information carrier;

comparing said current parental control level and said preset parental control level;

authorizing or not authorizing access to the information on said information carrier in dependence on said comparing step;

associating a list of server addresses with said parental control levels; and

restricting the user access to the server addresses in said list having parental control level lower than or equal to said current parental control level.

2. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises a first control sub-step for deactivating said restricting step.

3. (Previously Presented) The method as claimed in claim 1 or 2, wherein said method further comprises a second control sub-step for forbidding the user access to any server address.

Claim 4 (Canceled)

5. (Previously Presented) A method of controlling, from an information carrier player, user access to information on an information carrier loaded on said information carrier player, and to a server, said information carrier being associated with a preset parental control level, and said information carrier player

being associated with a current parental control level selected from among a set of parental control levels, said method of controlling comprising the steps of:

receiving the preset parental control level associated with said information carrier;

first comparing said current parental control level and said preset parental control level;

authorizing or not authorizing access to the information on said information carrier in dependence on said first comparing step;

second comparing said current parental control level and the highest parental control level of said set of parental control levels; and

authorizing or not authorizing any attempted access to said server in dependence on said second comparing step.

Claims 6-8 (Canceled)

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EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None